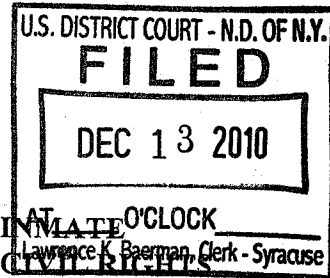


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Troy Smith)
Plaintiff(s))
)
vs.)
officer C. ROSATI)
officer C. St John)
Comm. Brian Fischer Defendant(s))

COMPLAINT PURSUANT
PURSUANT TO
42 U.S.C. § 1983

Case No. 9: CV

Plaintiff(s) demand(s) a trial by: ☒ JURY ☐ COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiff: Troy Smith
Address: Auburn Corr. Fac.
P.O. BOX 618
Auburn, New York 13024

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: C. ROSATI
Official Position: Corr. officer
Address: Great meadow Corr. Fac
BOX 51
Comstock, N.Y. 12821

b. Defendant: C. St John
Official Position: corr. officer
Address: Great meadow corr. fac.
Box 51
Comstock, N.Y. 12821

c. Defendant: BRIAN Fischer
Official Position: Commissioner of Correction
Address: Department of Correctional Services State
Office Bldg Campus 1220 Washington Ave
Albany, N.Y. 12224

Additional Defendants may be added on a separate sheet of paper.

4. PLACE OF PRESENT CONFINEMENT

a. Is there a prisoner grievance procedure at this facility?

☒ Yes ☐ No

b. If your answer to 4a is YES, did you present the facts relating to your complaint in this grievance program?

☒ Yes ☐ No

If your answer to 4b is YES,

(i) What steps did you take? I Filed A GRIEVANCE

(ii) What was the final result of your grievance? Appeal was
denied

This is A Add ON to Jurisdiction Defendants

D. Defendant - John DOE
Official position - CORR. OFFICER
Address - Great meadow CORR. FAC
Comstock, N.Y. 12821

E. Defendant - John DOE
Official position - CORR. OFFICER
Address - Great meadow CORR. FAC
Comstock, N.Y. 12821

F. Defendant - John DOE
Official position - CORR. OFFICER
Address - Great meadow CORR. FAC
Comstock, N.Y. 12821

If your answer to 4b is NO - why did you choose to not present the facts relating to your complaint in the prison's grievance program? _____

- c. If there is no grievance procedure in your institution, did you complain to prison authorities about the facts alleged in your complaint?

_____ Yes _____ No

If your answer to 4c is YES,

- (i) What steps did you take? _____

- (ii) What was the final result regarding your complaint? _____

If your answer to 4c is NO - why did you choose to not complain about the facts relating to your complaint in such prison? _____

5. PREVIOUS LAWSUITS

- a. Have you ever filed any other lawsuits in any state and federal court relating to your imprisonment?

_____ Yes _____ No

- b. If your answer to 5a is YES you must describe any and all lawsuits, currently pending or closed, in the space provided below.

For EACH lawsuit, provide the following information:

- i. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

- ii. Court (if federal court, name District; if state court, name County): _____
- iii. Docket number: _____
- iv. Name of Judge to whom case was assigned: _____
- v. Disposition (dismissed? on appeal? currently pending?): _____
- vi. Approximate date of filing prior lawsuit: _____
- vii. Approximate date of disposition: _____

FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).

See Attached papers

7.

CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

FIRST CAUSE OF ACTION

officers delayed me from making it to my tire III hearing and that violated my right of Due process. Which constitute violation of my 14th Amendment right of the United States Constitution Right.

SECOND CAUSE OF ACTION

Do to the action of the above cited defendants of in Flicking bodily harm unprovoked and unwarned by plaintiff would constitute violation of the plaintiff 8th amendment right of the United States Constitution

THIRD CAUSE OF ACTION

Also due to the action of the above cited defendants cause the plaintiff to suffer and or endure Retaliation Retaliatory action of security staff. Which constitute violation of the plaintiff 1st and 14th amendment rights of the United States Constitution

Fourth CAUSE OF ACTION

INJURIES

I NOW Suffer with Nightmares of being Assaulted by CO's correction officers. I am afraid of walking Any where and being accosted by correction officers (CO's) that's waiting to assault me. ON top of my Bi-Polar diagnosis. I have become PARANOID. The defendants acted in a manner as to cause the Plaintiff severe Emotional distress, Pain and suffering, Intentional affliction of Emotional Distress, Post Traumatic Stress Disorder as a result of being Assaulted and not being able to do anything to protect myself. Physically, as a result of being Assaulted. I have blurred vision in my left eye, can't hear good out of my right ear, Severe pain in my head, left shoulder and lower back. And the Humiliation, the embarrassment. The officers caused me. And the flash backs remain forever. Even today when i see officers. I am fearful of being Assaulted. The officers see that i have a misbehavior report in my records. And they see it's for Assaulting there fellow officer. Im Subjected to be retaliated on. So now i fear for my safety.

8. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

Plaintiff would request the sum of 2.5 million dollars in
compensatory damages and also the sum of 2.5 million dollars
in punitive damages and emotional damages. AND OF WHAT
ever the courts deem just and proper

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 12/30/2010



Signature of Plaintiff(s)
(all Plaintiffs must sign)

02/2010